

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**

**Richmond Division**

IN THE MATTER OF THE SEARCH OF

XAVIER LOUIS LOPEZ, currently an  
inmate at Henrico County Jail East, located at  
17320 New Kent Highway, Barhamsville,  
Virginia 23011

Case No. 3:23sw18

**Filed Under Seal**

**AFFIDAVIT IN SUPPORT OF  
AN APPLICATION FOR A SEARCH WARRANT**

I, Douglas H. West, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a search warrant authorizing the search of Xavier Louis LOPEZ., currently residing at Henrico County Jail East, 17320 New Kent Highway, Barhamsville, VA 23011, for a DNA sample. Your affiant will utilize two sterile buccal swabs provided by the FBI to collect a saliva sample from the mouth of Xavier Louis LOPEZ, under sanitary conditions according to accepted medical practices.

2. Your affiant is a law enforcement officer within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code, Section 2516. I have been employed by the Henrico County Police Division as a Police Officer since January 2001. I am currently assigned as a Task Force Officer with the Federal Bureau of Investigation (FBI), where I investigate domestic terrorism matters.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show simply that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. Based on the facts as set forth in this affidavit, there is probable cause to believe that a DNA sample recovered from Xavier Louis LOPEZ will constitute evidence of violations of **Possession of a Destructive Device** (26 U.S.C. § 5861(d)).

#### **JURISDICTION**

5. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A), & (c)(1)(A). Specifically, the Court is “a district court of the United States . . . that has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i). Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.

#### **STATUTES**

6. **Possession of a Destructive Device** (26 U.S.C. § 5861(d)). The National Firearms Act in Federal Code prohibits the receipt, possession, production, or transport of an unregistered “firearm,” which § 5845 defines the term “firearm” to include “destructive devices.”

#### **PROBABLE CAUSE**

7. The Federal Bureau of Investigation (FBI) is conducting an investigation into Xavier Louis LOPEZ, after learning of that individual’s social media postings calling for the destruction of Israel and New York City, as well as the deaths of “Jews” and “Yankees.”

8. Your affiant learned that LOPEZ was associated with an Instagram account with username “slenderman14w.” Your affiant knows through his training and experience that 14w is often used by white supremacists as a reference to “14 words.” According to the Anti-Defamation League web site [adl.org](https://www.adl.org), 14 Words “is a reference to the most popular white supremacist slogan in the world: “We must secure the existence of our people and a future for white children.” Through open-source search your affiant viewed the publicly visible content on this Instagram page. The content included anti-Semitic memes and white supremacist content. One post declared that “race traitors” are people of European ancestry that fraternize with “blacks,” and further, that miscegenation (procreation between individuals of different race) is “race treason,” and that race treason is a Capital Offense and will be punished by Death.

9. In August 2020, LOPEZ was arrested for vandalism in Henrico County. Your affiant reviewed video related to this offense and observed LOPEZ, wearing camouflaged pants and carrying a blue flag with a white star, cutting the tires of another person’s vehicle. The flag was identified through open-source searches as a “Bonnie Blue” flag. This flag is associated with the Confederate Army during the United States Civil War. During his arrest and transport to jail, LOPEZ attempted to open a pocketknife. The transporting officer pulled over and removed LOPEZ from the police vehicle. Your affiant reviewed Body Worn Camera footage that showed LOPEZ assault the officer when LOPEZ was taken out of the vehicle. LOPEZ was charged with assaulting law enforcement based on this interaction.

10. As part of his plea agreement, LOPEZ pled guilty to Felony Vandalism. As a convicted felon LOPEZ was thereafter (and remains) legally prohibited from possessing firearms or ammunition. LOPEZ was ordered to surrender all firearms, ammunition, and firearms components to Henrico Police. In December 2021, a family member turned over LOPEZ’s

property to Henrico County Police. LOPEZ's property included more than 1,000 rounds of 5.56/.223 ammunition, 15 AR-style magazines with 30 round capacity, two 40 round AR-style magazines, four AR-15 80% lower receivers (also referred to as "80% lowers"), three complete AR-style upper receivers, one jig kit for AR-15 80% lower receivers, four AR-style trigger/handle kits, and four AR-style stocks.

11. Your affiant knows that a lower receiver is an integral portion of a functioning firearm, connecting to the other pieces of a finished firearm and to which the trigger group, upper receiver, and frame are attached. A completed lower receiver is a "firearm" under United States Code, and is required to bear a serial number. An "80% lower" is an unfinished lower receiver. This unfinished receiver does not have certain holes drilled out that would be required to for the firearm to function. As the "80% lower" is not a completed "firearm" for purposes of United States Code, it does not require the background check and traditional requirements for purchasing a working firearm. Your affiant also knows that a "jig kit for AR-15 80% lower" is a device designed to properly line up the unfinished lower receiver to make the necessary modifications needed to create a completed, functioning firearm.

12. LOPEZ was released from state custody on June 28, 2021. LOPEZ returned to his previous residence at 1419 Fort Hill Drive in Henrico, an 864-square-foot, single-family home. Investigation has confirmed that this residence is assigned Internet Protocol (IP) address 73.12.94.90, which is serviced by the internet services provider Comcast.

7. Your affiant reviewed video taken on July 4, 2021, that showed LOPEZ and another family member—less than a week after LOPEZ's release—inside the Field and Stream store located in Charlottesville, Virginia. This store sells hunting and firearms items. LOPEZ was



observed going to the firearms section and stopping several times. LOPEZ can be observed crouching down to look into a glass case with handguns inside. LOPEZ did not purchase any items.

8. In December 2021, an employee of Cabela's was interviewed in relationship to LOPEZ. Cabela's is a hunting equipment and firearms store in Henrico County. The employee recalled LOPEZ being in the store and having a conversation with him about firearms. LOPEZ indicated that he wanted to build a .308 caliber rifle with an 11.5-inch barrel. LOPEZ told the Cabela's employee that he (LOPEZ) wanted to find 168 grain Winchester 308 ammunition to use with that rifle.

13. Your affiant has reviewed records from Gab.com for user name "Cru54d3r." This account was associated with IP address 73.12.94.90 and the email address thirdpositioncrusader@protonmail.com. Public posts and comments posted by "Cru54d3r" included highly anti-Semitic, white supremacist, and racist content similar to previous social media accounts believed to be associated with LOPEZ during this investigation. The profile picture for the "Cru54d3r" Gab account includes an image of the Bonnie Blue flag along with a Confederate flag with a Swastika in the middle. The Bonnie Blue flag, as described above, was the flag LOPEZ was filmed carrying while committing vandalism in August 2020.

14. Among the content posted by Cru54d3r were links to video tutorials on how to use a 3D printer to print lower receivers for handguns. Other posts by "Cru54d3r" advocated for firearm possession by convicted felons; the collection and possession of various types of ammunition; the purchase of firearm parts kits through the use of pseudonyms; the use of firearms to kill or injure law enforcement; and the design of homemade explosive devices. Posts made by Cru54d3r include, e.g.:

- a. “All real weapons should be built, not bought, this can be done with a 3D printer and a parts kit, both of which can quite easily be bought untraceably, especially if everyone in the group holds mail for each other, and any debit gift cards used are purchased with cash and registered under a pseudonym when necessary, ammo and magazines should be standardized for each type (carbines being .223/5.56 and STANAG mag compatible, shotguns being .12 gauge, handguns being 9mm and Glock mag compatible, etc.)...”
- b. “@Lilr and no, being a convicted felon is not at all a valid excuse for remaining unarmed, stay strapped or get clapped. If you don’t have a gun yet, at least acquire the means to make one, parts kits are everywhere and 3d printers are pretty cheap now too. You can also have a decent side hustle selling your builds to our white brothers across the pond and all around the world for monero over TOR or isp.”
- c. “... have absolutely zero regard for the “law and order” of the kike system that hates you...”
- d. “@541er now is the time. Or whenever you decide to act. Nobody’s going to be a hero. It’s up to you. And me. And every other Fascist Revolutionary to take matters into our own hands. Whatever action you are able to do and get away with. Just do it. Be smart and plan it out. Set a date. Slowly and methodically select your target and gather the necessary info and supplies. War is an art. Become the artist. Your target is your canvas. The blood you will spill and shed in your act is the paint, your action is the brush. Make a masterpiece. Select your target wisely and learn from the mistakes of your predecessors. Ensure that no matter what it hurts the kike

system more than the cause. Brevik<sup>1</sup> was the best example of this thus far, but we can do even better....”

- e. “... learn how to pick and bypass locks in order to covertly enter into the places necessary to get what you need and/or accomplish any objective you set for yourself...”
- f. “ . . . Have no tolerance for cops. If they come to your house, that’s your cue to shoot them. If you see cops at your white neighbor’s house, that’s also your cue to shoot them.”
- g. “ . . . Manufacture pipe bombs using match heads or mix acetone and either 35% peroxide or Styrofoam if necessary to manufacture what you need in order to defend yourself against the niggers or police...”

15. As noted above, records from Comcast, Inc. reflect that IP address 73.12.94.90 is associated with internet service provided to 1419 Fort Hill Drive, the residence of Xavier Louise LOPEZ and one other family member. LOPEZ has been interviewed by FBI personnel inside this residence and has been observed entering and exiting the residence on numerous occasions.

16. In October 2022, your affiant learned that several purchases had been made online and those items subsequently delivered to 1419 Fort Hill Drive, Henrico (that is, the defendant’s residential address). Among these purchases was a “G19 Build Kit” sold by US Patriot Armory. It was determined from an employee of US Patriot Armory that this kit was a complete Glock 19

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<sup>1</sup> Anders Behring Brevik is a Norwegian citizen convicted of killing more than 70 people on July 22, 2011 in two separate incidents involving Brevik’s use of both explosives and firearms. Brevik explained that his decision to conduct this mass killing was his fervent belief in far-right ideologies.

(9mm semi-automatic pistol) with the exception of the Receiver or Frame. The kit included the slide, barrel, a lower parts kit, an upper receiver build kit, and a magazine. The package was purchased by the billing name of “John Jackson,” utilizing IP Address 73.12.94.90. The package was delivered on September 1, 2022, and signed for by an individual at LOPEZ’s residence. Similar to the “80% lower” recovered from LOPEZ in the past, your affiant knows that unfinished Glock receivers and jig kits are available for purchase online. As the lower receiver is not fully completed, it does not require the traditional background checks and requirements needed to legally purchase a working firearm.

17. On November 13, 2022, law enforcement officers executed a state search warrant at LOPEZ’s residence. Among the items recovered during a search of the residence were a 3D printer, firearm components, G19 build kit, 6 smoke bombs, 1 smoke grenade, smokeless powder, 9mm ammunition, 8 devices that appear to your affiant to be Molotov cocktails or similar destructive devices, stormproof matches, a 3D printed handgun frame, rifle sling, and assorted rifle parts.

18. The devices, which appear to your affiant to be Molotov cocktails or similar-type destructive devices, were sent to the FBI Laboratory for examination. Forensic examination of those destructive devices is ongoing, but FBI Laboratory personnel working in the Laboratory’s Explosives Unit have determined that numerous of these devices contained gasoline and polystyrene (a type of plastic, which, when mixed with an ignitable liquid such as gasoline, can form a version of improvised napalm). FBI Laboratory personnel have also been able to recover DNA material from several of these destructive devices. Laboratory personnel have interpreted some of those DNA samples as having originated from one individual, and three other DNA samples as having originated from two individuals. Laboratory personnel have indicated that these



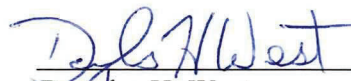
DNA samples are suitable for comparison purposes (that is, they can be compared to known DNA samples).

19. Your affiant submits that based on his training, knowledge and experience and the information contained herein, there is probable cause to believe that the DNA recovered from the destructive devices described above could include the DNA of Xavier Louis LOPEZ, and that this DNA could constitute evidence of the violation of federal statutes, to include Possession of a Destructive Device (26 U.S.C. § 5861(d)). Furthermore, there is probable cause to believe that a DNA sample can be taken with a minimal amount of intrusion through the use of buccal (cheek) swabs. Therefore, your affiant requests that this Court authorize a search and seizure warrant for Xavier Louis LOPEZ for a DNA sample through the use of two buccal (cheek) swabs.

**CONCLUSION**

20. I submit that this affidavit supports probable cause for a search warrant authorizing the search of Xavier Louis LOPEZ for a DNA sample through the use of buccal swabs.

Respectfully submitted,



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Douglas H. West  
Task Force Officer  
Federal Bureau of Investigation

Subscribed and attested to me by the affiant in accordance with the requirements of Fed. R. Crim. Pro. 4.1 by telephone this 3rd day of February 2023.

/s/   
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Hon. Mark R. Colombell  
United States Magistrate Judge